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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

United States of America,  
  
Plaintiff,

v.

Michael Lacey, et al.,  
  
Defendants.

CR-18-422-PHX-SMB

**UNITED STATES' MOTION TO  
EXTEND DEADLINE FOR  
RESPONSE TO DEFENDANTS'  
MOTION TO COMPEL (Doc. 643)**

The United States respectfully moves for a 12-day extension of time, from July 3 to July 15, 2019, in which to file its response to Defendants' Motion to Compel (Doc. 643). The government will not object to a commensurate extension for Defendants' reply in support of the motion. A proposed form of Order is attached.

Counsel for the United States has conferred with defense counsel Whitney Bernstein and Tom Bienert, who indicated that Defendants object to the extension. Defendants didn't

1 express any direct objection, but made their non-opposition contingent on two separate  
2 agreements. First, Defendants asked that the government agree not to object to a similar  
3 extension for Defendants to file their reply in support of the Motion to Compel. The  
4 government has no issue agreeing to this request.

5 Defendants' second condition, however, was that the government agree not to  
6 oppose Defendants' requests to: (a) extend the deadline for their reply in support of the  
7 Motion to Dismiss (Doc. 561) from July 3 to July 17, 2019; and (b) extend the length of  
8 that reply from 20 to 30 pages. Defendants cited the recent amicus filing and upcoming  
9 Ninth Circuit argument on July 9, 2019 as reasons for these requests. For several reasons,  
10 the government opposes both of these requests.

11 First, on June 19, 2019, Defendants filed an unopposed motion to extend by two  
12 weeks the deadline for their reply in support of their Motion to Dismiss (Doc. 642). This  
13 filing occurred after the amici filing (Doc. 641). The government had no issue agreeing to  
14 this two-week extension when Defendants requested it on June 19. The government is  
15 confused, however, why less than 24 hours after filing a request for a two-week extension,  
16 Defendants need another two weeks for their reply, especially when Defendants have long  
17 known about the Ninth Circuit argument, and Defendants had received the *amici* brief  
18 before filing their first extension request. Because there aren't any changed circumstances  
19 that would support a second two-week extension, the government opposes this request.  
20 Further, the Court has already ordered that Defendants' reply brief be limited to 20 pages—  
21 and recently reaffirmed its Order. (*See* Doc. 573 ("affirming Court's previous order"  
22 allowing Defendants to file a 20-page reply).)

23 Excludable delay under 18 U.S.C. § 3161(h) may occur as a result of this motion or  
24 an order based thereon.

1 Respectfully submitted this 21st day of June, 2019.

2  
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District of Arizona

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18 Child Exploitation and Obscenity Section

19 **CERTIFICATE OF SERVICE**

20 I hereby certify that on June 21, 2019, I electronically transmitted the attached  
21 document to the Clerk's Office using the CM/ECF System for filing and transmittal of a  
22 Notice of Electronic Filing to the CM/ECF registrants who have entered their appearance  
23 as counsel of record.

24 s/ Cristina Abramo  
25 Cristina Abramo  
26 U.S. Attorney's Office  
27  
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6  
7 IN THE UNITED STATES DISTRICT COURT  
8 FOR THE DISTRICT OF ARIZONA

9 United States of America,  
10  
11 Plaintiff,

CR-18-422-PHX-SMB

12 v.

**ORDER**

13 Michael Lacey, et al.,  
14 Defendants.

15  
16 Based on the United States' Motion to Extend Deadline for Response to Defendants'  
17 Motion to Compel, and good cause appearing,

18 **IT IS HEREBY ORDERED** granting the United States' motion and extending the  
19 deadline for it to respond to Defendants' Motion to Compel (doc. 643) to July 15, 2019.

20 **IT IS FURTHER ORDERED** that excludable delay under 18 U.S.C. § 3161(h) is  
21 found to commence from \_\_\_\_\_ through \_\_\_\_\_.

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